<u>**REMARKS/ARGUMENTS**</u>

Reconsideration of the present application is respectfully requested.

It will be noted, that the reason for amending claim 1 to include the phrase "from the media stream is not related to patentability requirement, but is included to stress that the "session data file" and the "data object files" are associated with the same media stream.

1.   SUMMARY OF THE OFFICE ACTION

The Examiner rejected claims 21 – 27 as being obvious, under the judicially created doctrine of double patenting, as being unpatentable over claims 15-20 of co-pending Application No. 09/981,673.

Claims 1 – 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hooper et al., (Hooper) U.S. Patent No. 5,414,455.

2.   DOUBLE PATENTING REJECTION

In response to the Examiner's provisional rejection of claims 21 – 27 under the judicially created doctrine of double patenting, it is requested that the rejection is held in abeyance until claims 21 – 27 are otherwise deemed allowable.

3.   RESPONSE TO § 112 REJECTIONS

"Breadth of a claim is not to be equated with indefiniteness." MPEP 2173.04, citing In re Miller, 441 F.2d 689, 169 U.S.P.Q. 597 (CCPA 1971). If the *scope* of the subject matter in the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph. Id.

Regarding objections to claim 1, Examiner is respectfully requested to consider the following remarks.

Although claim 1 does not specify a source for the media stream, the *scope* of the claim is nonetheless clear. In practice, the media stream may be received from any of a variety of sources, such as, for example, from a content server via a network. Furthermore, specifying, in claim 1, a particular source of the media stream would unduly narrow claim 1. Thus it is requested that the objection be withdrawn.

Although claim 1 does not specify the location of the data object files, the *scope* of the claim is nonetheless clear. In practice, a plurality of data object files may be stored in various locations within the cache memory. Therefore, specifying, in claim 1, a particular location of the data object files would unduly narrow claim 1. Thus it is requested that the objection be withdrawn.

Although claim 1 does not specify the location of the file system, the *scope* of the claim is nonetheless clear. In practice, a file system may be stored in various locations within the cache memory. Therefore, specifying, in claim 1, a particular location of the file system would unduly narrow claim 1. Thus it is requested that the objection be withdrawn.

Regarding objections to claim 8, Examiner is respectfully requested to consider the following remarks.

Although claim 8 does not specify where the data objects are coming from, the *scope* of the claim is nonetheless clear. In practice, the data objects recited in claim 8 may be generated utilizing a variety of techniques well known in the art. Therefore, specifying, in claim 8, a particular method of providing the data objects would unduly narrow claim 8. Thus it is requested that the objection be withdrawn.

It is submitted that claim 8 recites "encoding of the media data" being a property of a media stream. Claim 8 does not recite an operation of "encoding of the media data." Although claim 1 does not specify who is encoding the media data and where it is being done, the *scope* of the claim is nonetheless clear. In practice, encoding of the media data may be performed at a variety of sources (e.g., at the content provider's site) and may be performed utilizing a variety of techniques that are well known in the art. Therefore, specifying, in claim 8, a particular location or technique associated with encoding of the media data would unduly narrow claim 8. Thus it is requested that the objection be withdrawn.

Although claim 8 does not specify where the object handle is located, the *scope* of the claim is nonetheless clear. In practice, an object handle may be stored in various locations within the cache memory. Therefore, specifying, in claim 8, a particular location of the data object files would unduly narrow claim 8. Thus it is requested that the objection be withdrawn.

Although claim 8 does not specify the source of the second plurality of data objects the *scope* of the claim is nonetheless clear. In practice, the data objects recited in claim 8 may be generated utilizing a variety of techniques well known in the art. Therefore, specifying, in claim 8, a particular method of providing the data objects would unduly narrow claim 8. Thus it is requested that the objection be withdrawn.

Although claim 8 does not specify who is encoding the media data and where it is being done, the *scope* of the claim is nonetheless clear. In practice, claim 8 recites "a second encoding of the media data" being a property of a media stream. Claim 8 does not recite an operation of "encoding of the media data." Additionally, encoding of the media data may be performed at a variety of sources (e.g., at the content provider's site) and may be performed utilizing a variety of techniques that are well known in the art. Therefore, specifying, in claim 8, a particular location or technique associated with a second encoding of the media data would unduly narrow claim 8. Thus it is requested that the objection be withdrawn.

Regarding objections to claim 15, Examiner is respectfully requested to consider the following remarks.

Although claim 15 does not specify where the first source media is coming from, the *scope* of the claim is nonetheless clear. In practice, a first source media may be associated with a variety of sources, such as, for example, a content server. Therefore, specifying, in claim 15, a particular source of a first source media would unduly narrow claim 15. Thus it is requested that the objection be withdrawn.

Although claim 15 does not specify where the second source media is coming from, the *scope* of the claim is nonetheless clear. In practice, a second source media may be associated with a variety of sources, such as, for example, a content server. Therefore, specifying, in claim 15, a particular source of a second source media would unduly narrow claim 15. Thus it is requested that the objection be withdrawn.

Although claim 15 does not specify the location of tangible media, the *scope* of the claim is nonetheless clear. In practice, the location of tangible media may include a variety of locations, such as, for example, memory associated with the computer system. Therefore, specifying, in claim 15, a particular location of tangible media would unduly narrow claim 15. Thus it is requested that the objection be withdrawn.

Although claim 15 does not specify where the object handle is located, the *scope* of the claim is nonetheless clear. In practice, an object handle may be stored in various locations within the cache memory. Therefore, specifying, in claim 15, a particular location of the data object files would unduly narrow claim 15. Thus it is requested that the objection be withdrawn.

Claims 1 and 21 have been amended to overcome the lack of antecedent basis objections.

4.   **RESPONSE TO § 102 REJECTIONS**

Hooper is directed at a segmented video on demand system. (Hooper, Title.)

Claim 1

Hooper, in Figure 3, illustrates the internal data structure of a video suitable for transfer over the network (Hooper, 5: 64-65). The video, according to Hooper, includes a plurality of packets, wherein each packet includes a packet header, packet data, and optional packet filler. The number of packets in the video is dependent on the "length" or viewing time of the video. (Hooper, 6: 7-12.) Hooper further describes various fields in the packet header (Hooper, 6: 13-26) and explains that packet data is treated as a continuous bitstream defining the frames of the video. (Hooper, 6: 33-42.) Various data that may be present in a given frame, such as a time-stamp bit sequence, frame data bits, and an end-of-frame bit sequence is described in Hooper at 6: 43-60.

Thus, while Hooper provides details regarding the structure of a video, Hooper does not disclose or suggest that various portions of the video may appear in separate files, such as "**a session data file configured to store properties of a media stream**" and "**a plurality of data object files, ... each data object file comprising a data object configured to store a portion of the media data from the media stream,**" as recited in claim 1. On the contrary, it

12

appears that the video described in Hooper comprises a single file, which is distinct from "a session data file" and "a plurality of data object files" recited in claim 1.

Because Hooper fails to disclose or suggest each and every element of claim 1, claim 1 and its dependent claims are patentable in view of Hooper and should be allowed.

Claim 8

Hooper, at 6: 36-38, discloses packet data including encoded and compressed video or audio data. Hooper explains that the amount of digital data in a frame depends on the level of compression, and that for highly compressed portions of the video, a single video packet may contain several frames, while for images compressed to a lesser extent, a packet may be composed of a single frame. Hooper, 6: 43-48. However, there is no indication in Hooper that *the same media data* may be associated with more than a single encoding scheme or with more than a single compression level. Thus, Hooper fails to disclose or suggest "storing ... a first plurality of data associated with **a first encoding of the media data**" and "storing ... **a second plurality of data associated with a second encoding**" of the same media data, as recited in claim 8.

Furthermore, the portions of Hooper cited in the Offices action or any other portion of Hooper fails to disclose or suggest data objects that are "directly addressable in the cache memory via an associated object handle," as recited in claim 8.

Because Hooper fails to disclose or suggest each and every element of claim 8, claim 8 and its dependent claims are patentable in view of Hooper and should be allowed.

Claim 15

Claim 15 recites data associated with an encoding of a first source media stored "in a first plurality of data objects in the memory." Claim 15 further recites "wherein **each data object of the first plurality of data objects is addressable in the memory by the processor via an associated first object filename**, and wherein each data object of the first plurality of data objects is configured to store a portion of data from the first plurality of data."

As discussed above with reference to claim 1, while Hooper provides details regarding the structure of a video, Hooper does not suggest that various portions of the video may appear in separate files. On the contrary, it appears that the video described in Hooper comprises a single file, which is distinct from **a plurality of data objects associated with an encoding of**

13

a first source media that are **addressable in the memory by the processor via an associated object filename**, as recited in claim 15.
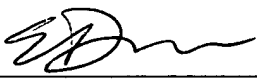
Because Hooper fails to disclose or suggest each and every element of claim 15, claim 15 and its dependent claims are patentable in view of Hooper and should be allowed.

5. CONCLUSION

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,
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14